

**Permitting & Assistance Branch Staff Report**  
Revised Solid Waste Facilities Permit for the  
Moreno Valley Solid Waste Recycling and Transfer Facility  
SWIS No. 33-AA-0234  
December 12, 2017

**Background Information, Analysis, and Findings:**

This report was developed in response to the Riverside County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for Moreno Valley Solid Waste Recycling and Transfer Facility, SWIS No. 33-AA-0234, located in Moreno Valley, Riverside County; and owned and operated by Waste Management Collection & Recycling, Inc. (dba Moreno Valley Solid Waste Recycling and Transfer Facility). A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on November 14, 2017. A new proposed permit was received on December 6, 2017. Action must be taken on this permit no later than February 4, 2018. If no action is taken by February 4, 2018, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

**Proposed Changes:**

The following changes to the first page of the permit are being proposed:

	Current Permit (2015)	Proposed Permit
Name and Mailing Address of Operator	Waste Management Collection and Recycling Inc. Dba Waste Management 9081 Tujunga Sun Valley, CA 91752	Waste Management Collection and Recycling, Inc. Dba Moreno Valley Solid Waste Recycling and Transfer Facility 17700 Indian Street Moreno Valley, CA 92551
Name and Mailing Address of Owner	Waste Management Inc. 1 <sup>st</sup> City Tower 1001 Fanin Houston, TX 77002	Waste Management Collection and Recycling, Inc. 9081 Tujunga Sun Valley, CA 91752
Permitted Maximum Tonnage	2,000 Tons per day	2,500 Tons per Day

Other Changes include: Incorporate updated Transfer/Processing Report (TPR) and attachments and updates to the following sections of the SWFP: “Legal Description of Facility,” “Findings,” “Prohibitions,” documents that describe and/or restrict the operation of the facility, and “Enforcement Agency (EA) Conditions” including the rewording, additions and/or deletions for the purpose of updating and/or clarifying.

### **Key Issues**

The proposed permit will allow for the following:

1. Increase the maximum tonnage from 2,000 tons per day (tpd) to 2,500 tpd, which will allow the facility to continue daily operations and not turn away vehicles due to tonnage exceedance. There will be no expansion of the vehicle trips or permitted area at the facility.

### **Background:**

Moreno Valley Solid Waste Recycling and Transfer Facility is an existing large volume transfer/processing facility that has been in operation/permitted since 1992. The facility provides transfer/processing services for waste and recyclables generated by the City of Moreno Valley and the surrounding unincorporated County area. The facility parcels lie within the Industrial designation of the City of Moreno Valley’s General Plan.

### **Findings:**

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff’s findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated November 6, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A 5-Year Permit Review Report (PRR) was prepared by the LEA on August 15, 2013. The LEA provided a copy to the Department on August 23, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed SWFP on December 6, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on November 9, 2017, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element, as described in their memorandum dated December 6, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on November 14, 2017. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on December 6, 2017, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on October 5, 2017. No comments were received by LEA or Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

### **Compliance History:**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on November 14, 2017 and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2017 (April) - One violation noted for PRC 44014(b) - Operator Complies with Terms & Conditions.
- 2016 – 2012 - No violations were noted.

The violation was corrected to the satisfaction of the LEA.

**Environmental Analysis:**

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. The Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of Moreno Valley, Community & Economic Development Planning Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The change that will be authorized by the issuance of the proposed permit will allow an increase from 2,000 tpd to 2,500 tpd. This change is supported by the following environmental document.

A Draft Environmental Impact Report, State Clearinghouse (SCH) Number 1990020002, was circulated for a 45 day review period from June 27, 1990 through August 13, 1990. The Final Environmental Impact Report (FEIR), dated September 28, 1990, was prepared by the City of Moreno Valley Planning Department. A Notice of Determination (NOD), dated November 28, 1990, is on file with the Department indicating the FEIR was certified on November 27, 1990. An Addendum to the EIR (SCH#1990020002), dated August 15, 2017, was developed to increase the facility's capacity from 2,000 tpd to 2,500 tpd. The City of Moreno Valley, Community Development Department Planning Division approved the Addendum on August 16, 2017 (effective September 1, 2017) and a NOD, dated September 1, 2017 was filed with the Riverside County Clerk on September 7, 2017.

Under CEQA Guidelines Section 15162, when an EIR has been certified or a Negative Declaration (ND) adopted for a project, no subsequent environmental document shall be prepared for that project unless the Lead Agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project, which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the

previous EIR was certified as complete or the ND was adopted, shows any of the following:

- (A) The project will have one or more significant effects not discussed in the previous EIR or ND;
- (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

PRC Section 21068 defines “Significant effect on the environment” as a substantial, or potentially substantial, adverse change in the environment. CEQA Guidelines Section 15382 further defines, a “Significant effect on the environment” as meaning a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance. A lead or responsible agency may prepare an Addendum to a previously adopted EIR or ND if some changes or additions are necessary or none of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a subsequent EIR or subsequent ND have occurred, pursuant to Section 15164(a) of the CEQA Guidelines.

Section 15164(a) of the CEQA Guidelines provides that an Addendum to the FEIR is the appropriate documentation when the lead agency has determined that none of the conditions described in CEQA Guidelines Section 15162 exist – specifically that the changes will not result in any new significant environmental effects or substantially increase the severity of previously identified significant effects considered and addressed in the FEIR.

Department staff reviewed the revised project for any new or more severe significant environmental effects that are within its jurisdiction. There are no new significant impacts beyond those analyzed in the FEIR. The increase in tonnage will not result in any new significant impacts or substantially increase impacts beyond those already analyzed in the FEIR.

The LEA has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the FEIR and Addendums as prepared by the Lead Agency. There is no substantial evidence in the record to indicate the changes to the project will result in any

new or more severe significant effects on the environment that are within the jurisdiction of the Department to control beyond those already considered in the FEIR and Addendums. Thus, there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document, pursuant to CEQA Guidelines Sections 15162 and 15163 respectively, or assume the role of Lead Agency, pursuant to CEQA Guidelines Section 15052, for its consideration of the proposed revised SWFP. Department staff further recommends the FEIR and Addendums, together with the CEQA finding, are adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the FEIR adopted by the Lead Agency, Addendums, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on October 5, 2017, at 17700 Indian Street, in the City of Moreno Valley. No members of the public attended. No written comments were received by the LEA or Department staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on November 21, 2017. No comments have been received by Department staff.